



PROBATION & PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 160-1	Subject: STANDARDIZED OFFENDER URINALYSIS SCREENING
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	Revision Date: 09/10/01; 03/01/05; 08/01/05; 06/12/06; 10/27/06; 02/02/07
Signature: /s/ Ron Alsbury	Effective Date: 06/01/00

I. BUREAU DIRECTIVE: The Probation and Parole Bureau has zero tolerance regarding the unauthorized use and abuse of controlled or prohibited substances by adult offenders.

II. AUTHORITY:

*53-1-203, MCA. Powers and Duties of the Department of Corrections
DOC 3.1.20 Standardized Offender Urinalysis Screening*

III. DEFINITIONS:

Drug means any substance described in 50-32-101, MCA, et. seq., or any substance, taken through any means of administration, which alters the mood, the level of perception, or brain functioning. Such substances may range from prescription medications to illegal substances, as well as alcohol and solvents.

Cause means any indication that an offender may be using an unauthorized substance or any substance in an unauthorized manner. Such indication may be direct (observed by a staff person), hearsay (relayed through other individuals), circumstantial (perceived via reasonable inference), or self-admission.

Random Sampling means the urinalysis screening, without cause, of a selected group of offenders for substance abuse.

Positive Sample means that an initial screen and/or a confirmatory screen shows the presence of a controlled or prohibited substance meeting or exceeding the cut-off level as defined in this policy.

Zero Tolerance means the Bureau will vigorously pursue and eliminate illegal drug use through urinalysis, observation, searches, investigation, treatment and other means of intervention

IV. PROCEDURES:

Programs for education and treatment of abuse of substances for offenders who are placed on probation, incarcerated with the department, placed on parole, or placed in community corrections must be sustained and enhanced. The programs shall remain as flexible as possible so that they may be used by each particular offender to the extent appropriate to that offender. The programs must be structured in such a manner that they provide a continuum of education and treatment programs for each offender as he/she proceeds through the criminal justice system and may include, but not be limited to: attendance at self-help groups, group counseling, individual counseling, outpatient treatment, intensive outpatient/inpatient treatment, day reporting or treatment in a therapeutic community. Such programs must, to the extent possible, be accessible to all offenders in the criminal

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justice system. The frequency of periodic testing must be appropriate to the particular offender in accordance with the offender's assessment.

Pursuant to its zero tolerance policy, the Bureau has a standardized drug screening and intervention program for the following purposes:

- to identify offenders who are using illegal substances and identify types of substances used,
- to identify offender treatment needs and provide treatment strategies designed to meet those identified needs,
- to provide appropriate interventions and/or sanction for every offender who tests positive for drugs or alcohol,
- to properly classify offenders who pose a risk to public safety due to their substance abuse and
- to reduce drug use among offenders, which is intended to reduce disciplinary actions among offenders and reduce returns to secure facilities.

The Bureau will implement this policy without discrimination on the basis of race, religion, gender, national origin, creed or political belief.

A. DRUG TESTING:

1. Offenders, within the first 45 days of initial meeting, if court ordered, will be required to provide a urine specimen. Thereafter, offenders will be tested as necessary. Parole Officer Technicians are qualified to conduct urine specimens. Law enforcement may also conduct the test at the request of the Department.
2. Offenders may be required to provide a urine sample in the following circumstances:
 - as a condition of release to prerelease, parole or intensive supervision program (ISP)
 - for cause
 - upon return to the correctional facility from the community
 - randomly, as determined by the Department.
3. P & P Officers are authorized to request and collect urine samples.
4. Officers have the capability for screening the following substances at the cut-off levels indicated below:

<u>SUBSTANCE</u>	<u>CUT-OFF</u>
Cannabinoids	50 ng/ml (nanograms per milliliter)
Opiates	300 ng/ml
Ethanol (screening by breath analysis)	
Barbiturates	200 ng/ml
Amphetamines	300 ng/ml (monoclonal)
Methamphetamines	1000 ng/ml (monoclonal)
Cocaine (Metabolite)	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Benzodiazepines	200 ng/ml
Methadone	300 ng/ml

Screening at any other level requires the approval of the Department Director.

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B. POSITIVE SAMPLE RESULTS:

1. A sample is positive when an initial screen and/or a confirmatory screen show a presence of a controlled or prohibited substance meeting or exceeding the cut-off level as defined in this policy. A positive sample is sufficient reason for sanctions, treatment or return to a correctional facility.
2. Offenders should be given an opportunity to admit substance use at the time they are requested to provide a urine specimen. **When an offender admits to the use of illegal substances, *P&P 160-1 (B) Substance Abuse Admission Form* will be signed in the presence of witness/officer, and subsequent disciplinary action will follow.**
3. Offenders on probation or parole status may request, at their own expense, additional screening at the Montana State Crime Laboratory or other approved screening site, such as a Prerelease Center. This additional screening will not delay disciplinary action that results in jail time or removal to a more secure environment.
4. All offenders testing positive for drugs and not returned to a correctional facility will be referred to chemical dependency for appropriate programming. The referral will be noted in the offender's file. Within 45 days of a positive UA result, the offender must be retested unannounced. Volunteering for treatment does not dismiss sanctions or reports of violation.
5. Offenders on probation, parole & ISP who test positive and who have previously completed drug treatment may be considered for referral to a relapse program. Offender's privileges may be curtailed while in the program, and the offender will be expected to pay the cost of treatment.
6. The above actions do not preclude disciplinary action or, when applicable, transfer to a secure facility.

C. ALCOHOL/DRUG TESTING PROCEDURE

The following procedure shall be followed when conducting a portable breath test or breath analyzer test:

- A portable Breath Test or breath analyzer test shall be conducted by officers to test offenders suspected of alcohol use. The test will be conducted in accordance with the instructions of the test kit manufacturer (The portable breath or breath analyzer shall be maintained in a secure location). This can also be accomplished by utilizing local law enforcement.
- Each test will be recorded by the officer in the offender's chronological history. The chronological should include the date and time of test, a brief statement describing the reason for the test, and the test results.
- The officer will appropriately confront the offender when test results are positive. The offender's statement of admission will be noted utilizing *P&P 160-1 (B) Substance Abuse Admission Form*. The offender will be sanctioned and referred to treatment when appropriate.
- When an officer informs the offender to provide a urine specimen, the offender has one (1) hour to comply with the request. Additional time will be granted to an offender with a documented medical condition that prohibits him/her from complying with this order. If necessary, the offender

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will be given up to eight ounces of water, and will remain under staff supervision until the specimen is provided. The offender will provide enough urine to comply with test requirements. Failure to comply will result in sanctions. If no sample is provided after one (1) hour, this may be considered a refusal.

- Offenders refusing to provide a specimen demonstrate an admission of guilt that will result in sanction. An intervention, disciplinary or on-site hearing will be required as a result of a refusal to provide a specimen.
- All testing will be entered into the offender's chronologicals.
- When an offender refuses to provide a sample, it will be noted in the Adult Chronological History.

D. OFFENDER SANCTIONS

Offenders may be subject to the following sanctions:

- ◆ First positive urine test - offender may receive minimum sanctions from the officer, such as:
 - 1-3 days jail at own expense, when possible
 - increased reporting
 - restricted travel
 - curfew
 - electronic monitoring
 - increased testing
 - community service
 - day reporting program

Additionally, the Hearings Officer may require the offender to participate in any programming, counseling or further testing deemed appropriate, such as:

- 12 step programming
- 30 AA's in 30 days
- find a sponsor
- out-patient treatment
- intensive out-patient treatment
- in-patient treatment
- other counseling
- MRT/Thinking Errors
- ◆ Second positive urine test - offender may receive increased sanctions from the Hearings Officer, such as:
 - 1-5 days in jail at own expense, when possible
 - restricted travel
 - increased reporting
 - restricted travel
 - curfew
 - electronic monitoring

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- increased testing
- community service
- day reporting

In addition, the offender may be required by the Hearings Officer to participate in any programming, counseling or further testing deemed appropriate, such as:

- 12 step programming
- 60 AA's in 60 days
- find a sponsor
- out-patient treatment
- intensive out-patient treatment
- in-patient treatment
- other counseling
- MRT/Thinking Errors

- ◆ Third positive urine test - offender may receive appropriate sanctions from the Hearings Officer, such as:
 - 90 AA's in 90 days
 - mandatory jail up to 7 days at own expense, when possible
 - intermittent jail, such as weekends in jail
 - day reporting

E. COLLECTING AND SECURING URINE SPECIMENS

The following procedure shall be followed when collecting and securing urine specimens. Officer will be trained in UA collecting procedures.

- The officer will wear latex gloves when obtaining urine specimens. Using other personal protective equipment is optional. From collection to secure storage, the specimen shall remain under the observation of the officer at all times. The offender should be present and have visual of the UA specimen at all times unless circumstances prevent such, until it is secured for mailing to the State Crime Lab, if applicable. This will eliminate any offender claims of the officer tampering with the evidence.
- The officer will label the U.A. container before requesting the offender to provide a specimen. The label will indicate the offender's DOC ID number, date and the Officer's initials. Urine shall be handled according to standard operating procedures.
- When possible, visual observation by the officer of the specimen container will be maintained.
- When providing a urine specimen, the offender will:
 - a. Remove all excess clothing such as coats, sweaters, etc.
 - b. Wash hands with soap and water, and dry hands before giving the sample, and
 - c. Before returning the container to the staff, place the cover on the urine specimen container.
- Upon collecting the specimen, the officer will place the bottle in a container recommended by manufacturer. When the offender challenges positive test results, preservation of evidence

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procedures must be followed, and a chain of evidence form accurately completed. The chain of evidence form should indicate medications being taken by the offender. The sample may be sent to the Montana State Crime Lab for validation of the test results.

- The officer will monitor the offender's given sanctions

V. **CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.

Forms

P&P 160-1 (B) Substance Abuse Admission Form